

Electron / Amends A / #10

10-24-02

Patent Docket P1829R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert D. Mass	Group Art Unit: 1642 Examiner: Misook Yu
Serial No.: 09/863,101	
Filed: May 18, 2001	
For: GENE DETECTION ASSAY FOR IMPROVING THE LIKELIHOOD OF AN EFFECTIVE RESPONSE TO AN ERBB ANTAGONIST CANCER THERAPY	<p>Certificate of Facsimile Transmission Under 37 CFR § 1.8</p> <p>In accordance with CFR § 1.8(d), this correspondence addressed to The Patent and Trademark Office, Washington, D.C. 20231 is being transmitted to facsimile No. (703) 305-3014.</p> <p>October 22, 2002</p> <p><i>Wendy M. Lee</i></p> <p>Wendy M. Lee</p>

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

IN THE SPECIFICATION:

Please replace the paragraph starting on page 2, line 7 with the following:

A₁

The *her2/neu* gene encodes a protein product, often identified as p185HER2. The native p185HER2 protein is a membrane receptor-like molecule with homology to the epidermal growth factor receptor (EGFR). Amplification and overexpression of HER2 in human breast cancer has been correlated with shorter disease-free interval and shorter overall survival in some studies (van de Vijver et al. New Eng. J. Med. 319:1239 (1988); Walker et al. Br. J. Cancer 60:426 (1989); Tandon et al. J. Clin. Invest. 7:1120 (1989); Wright et al. Cancer Res. 49:2087 (1989); McCann et al. Cancer Res 51:3296 (1991); Paterson et al. Cancer Res. 51:556 (1991); and Winstanley et al. Br. J. Cancer 63:447 (1991)) but not in others (Zhou et al. Oncogene 4:105 (1989); Heintz et al. Arch Path Lab Med 114:160 (1990); Kury et al. Eur. J. Cancer 26:946 (1990); Clark et al. Cancer Res. 51:944 (1991); and Ravdin et al. J. Clin. Oncol. 12:467-74 (1994)).